

Appl. No. : 09/671,761  
Filed : September 26, 2000

### REMARKS

The foregoing amendments and the following remarks are responsive to the December 14, 2005 Final Office Action. Claims 1 and 12 are currently amended, Claims 6-8, 10, 11, and 13-16 remain as previously presented, and Claims 2-5 and 9 remain as originally filed. Thus, Claims 1-16 are presented for further consideration.

#### **Response to Rejection of Claims 1-5 and 8-16 Under 35 U.S.C. § 102(e)**

In the December 14, 2005 Final Office Action, the Examiner rejects Claims 1-5 and 8-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0117831 A1 ("Ellis").

#### Claims 1-5 and 8-11

Amended Claim 1 recites (emphasis added):

1. A method of generating a menu representing a viewing sequence of display contents during a viewer's viewing session, comprising:
  - recording first video data associated with a first plurality of display contents using a preference engine to select the display content;
  - selectively recording second video data associated with a second plurality of display contents upon a viewer selecting the display content;
  - defining a viewing session;
  - defining a third plurality of display contents based upon available broadcast display contents during the viewing session and selected based upon the preference engine; and
  - displaying a menu screen of viewing choices, wherein **the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents.**

Applicants submit that Ellis does not disclose displaying a menu screen comprising "at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents" as recited by amended Claim 1.

The present application discloses and claims a method and a system that displays a menu screen of viewing choices during a viewing session. The viewing choices include (i) recorded display contents selected for recording using a preference engine (the first plurality of display contents); (ii) recorded display contents selected for recording upon a viewer selection (the second plurality of display contents); and (iii) broadcast display contents available during the viewing session and selected based upon the preference engine (the third plurality of display contents). As recited by Claim 1, the menu screen comprises at least one display content from

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each of the first plurality, the second plurality, and the third plurality of display contents. For example, the present application at page 9, lines 8-14 discloses an embodiment which displays a menu screen as illustrated by Figure 3:

Row 48 represents a display content SHOW I and indicates through a star (\*) that it has been recorded on the storage device 14 by the preference engine 10. ... Row 50 represents a display content MOVIE I and indicates through a check mark that it has been recorded by the viewer on the storage device 14. Rows 52-56 represent "live" broadcast display contents on channels CH1, CH2, CH3, respectively, as determined and ranked by the preference engine 10.

As discussed in the present specification, a single menu screen may thereby be displayed comprising at least one from each of these pluralities of display contents.

Applicants submit that Ellis does not disclose displaying a menu screen as recited by amended Claim 1. For example, Ellis at paragraph [0130] describes a listing screen entitled "Hot Movies" (shown in Figure 8 of Ellis) which "may include movies available on demand, movies the user has previously recorded, as well as scheduled movies as shown in list 162. ... Movies may also be included based on matching user profile preferences as shown in list 164." The list of movies selected to be displayed in this listing screen may also be determined by the program guide based on the user's viewing habits, as disclosed by Ellis at paragraph [0131]. Nowhere does Ellis disclose that this listing screen includes recorded movies which were selected for recording using a preference engine to select the display content.

As a further example, Ellis at paragraph [0148] describes a listing screen entitled "Recorded Programs" (shown in Figure 19 of Ellis) which "provides listing 271 of programs that have been previously recorded for the user. These programs may have been recorded because of a specific user request, or based on user preferences." Nowhere does Ellis disclose that this listing screen includes broadcast display content which is available during the viewing session and selected based upon the preference engine.

Thus, while Ellis discloses multiple listing screens, Ellis does **not** disclose displaying a menu screen comprising "at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents," as recited by amended Claim 1. Therefore, Applicants submit that amended Claim 1 is patentably distinguished over Ellis.

Each of Claims 2-5 and 9 depends from amended Claim 1, Claim 8 depends from Claim 4, Claim 10 depends from Claim 9, and Claim 11 depends from Claim 10. Therefore,

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each of Claims 2-5 and 8-11 includes all the limitations of amended Claim 1 as well as other limitations of particular utility, and Applicants submit that Claims 2-5 and 8-11 are patentably distinguished over Ellis. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-5 and 8-11 and pass these claims to allowance.

Claims 12-16

Amended Claim 12 recites (emphasis added):

12. A video system, comprising:
  - an input port configured to receive display contents including a plurality of broadcast display contents;
  - an output port configured to couple to a video display;
  - a preference engine coupled to the input port, the preference engine configured to track viewer selections of the broadcast display contents and to create a viewer profile;
  - a storage device coupled to the input port, the output port and the preference engine, the storage device configured to record first video data associated with a first plurality of display contents according to the viewer profile and to record second video data associated with a second plurality of display contents upon a viewer selecting the display content; and
  - a management module coupled to the preference engine and the storage device, the management module configured to define a third plurality of display contents based upon the available broadcast display contents for a viewing session and based upon the viewer profile, to create **a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents**, the menu screen being displayable on the video display from which a viewer can select a sequence of display contents for the viewing session.

Similar to the reasons stated above with regard to amended Claim 1, Applicants submit that Ellis does not disclose “a management module ... configured ... to create a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents.” Applicants therefore submit that amended Claim 12 is patentably distinguished over Ellis.

Each of Claims 13, 15, and 16 depends from amended Claim 12, and Claim 14 depends from Claim 13. Therefore, each of Claims 13-16 includes the limitations of amended Claim 12 as well as other limitations of particular utility, and Applicants submit that Claims 13-16 are patentably distinguished over Ellis. Applicants respectfully request that the Examiner withdraw the rejection of Claims 12-16 and pass these claims to allowance.

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**Response to Rejection of Claims 6 and 7 Under 35 U.S.C. § 103(a)**

In the December 14, 2005 Final Office Action, the Examiner rejects Claims 6 and 7 as being unpatentable over Ellis in view of U.S. Patent No. 6,240,240 issued to Nagano et al. ("Nagano").

Applicants submit that Nagano does not disclose or suggest the limitations of amended Claim 1 that are not disclosed or suggested by Ellis. Therefore, Applicants submit that amended Claim 1 is patentably distinguished over Ellis in view of Nagano. Claim 6 depends from Claim 4, which depends from amended Claim 1, and Claim 7 depends from Claim 6. Therefore, each of Claims 6 and 7 includes all the limitations of amended Claim 1 as well as other limitations of particular utility, and Applicants submit that Claims 6 and 7 are patentably distinguished over Ellis in view of Nagano. Applicants respectfully request that the Examiner withdraw the rejection of Claims 6 and 7 and pass these claims to allowance.

**Summary**

For at least the foregoing reasons, Applicants submit that Claims 1-16 are in condition for allowance, and Applicants respectfully request such action.

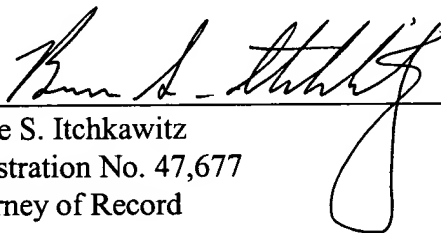
Respectfully submitted,

Dated: \_\_\_\_\_

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